

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTHONY DAVIS,

Petitioner,

v.

PATRICK GLEBE,

Respondent.

CASE NO. C15-5092 BHS

ORDER DENYING
PETITIONER'S MOTION FOR
RELIEF FROM JUDGMENT

This matter comes before the Court on Petitioner Anthony Davis's ("Davis") motion for relief from judgment (Dkt. 24).

On July 7, 2015, the Court adopted a Report and Recommendation that Davis's petition for writ of habeas corpus be denied because "Supreme Court precedent precludes Mr. Davis from challenging his fully expired 1986 convictions used to enhance his 1995 conviction." Dkt. 18 at 4. The Court entered judgment that same day. On August 18, 2015, Davis filed a motion for relief from judgment arguing that the Court failed to review the entire record. Dkt. 24. On August 21, 2015, the Government responded and argued that the Court should deny the motion for lack of jurisdiction because Davis

1 appealed the Court's judgment. Dkt. 25. On September 21, 2015, the Ninth Circuit
2 denied Davis's appeal. Dkt. 26.

3 In this case, the Court finds that Davis's motion is frivolous. No matter the extent
4 of the Court's review, the fact is that Davis's petition is barred by Supreme Court
5 precedent. Therefore, the Court **DENIES** the motion. The Court also **DENIES** a
6 certificate of appealability because reasonable jurists would not debate the validity of
7 Davis's motion.

8 **IT IS SO ORDERED.**

9 Dated this 1st day of October, 2015.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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